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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,094	06/15/2001	Paul A. Zulpa	YOR920010351US1/I27-0008	7745

7590 07/09/2004
Philmore H. Colburn II
Cantor Colburn LLP
55 Griffin Road South
Bloomfield, CT 06002

EXAMINER

FISCHETTI, JOSEPH A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/882,094	Applicant(s) ZULPA ET AL.	
	Examiner Joseph A. Fischetti	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 11-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Claims 11 – 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 4/21/04. However the arguments is not persuasive because it is directed to a species situation whereas the restriction was to inventions. It is now made FINAL.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-10 are rejected under 35 U.S.C. 101 because
the claimed invention is directed to non-statutory subject matter. These claims fail to recite any connection to a technological art, namely, .

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6,7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what are the first and second conditions and first through third conditions for these claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haung et al. in view of Underwood. Haung et al. disclose a method for facilitating database management 2 processes for an enterprise via a communications network, comprising: extracting part data (support thread 40 analyses or extracts data from database 12) relating to a part from a data storage location (data storage is read as DSS database 12); retrieving activity data related to said part, said activity data including: demand data (81); purchase data (PSI data includes sales data); and creation data (read as the data created for the history of the replaced products col. 36, line 55).

However, Haung et al. fail to disclose evaluating said part data and said activity data; associating a status code with said part data based upon results of said evaluating; and storing said part data and said status code in said data storage location, wherein said facilitating said database management, processes is accomplished by a parts database management software application.

But, Underwood does disclose evaluating using functional interrelationships between business components and then assigning a code to these items and storing same in a database. It would be obvious to modify Haung et al. with the code base arrangement of the data structure of Underwood, the motivation for which would be the increased efficiency of the database relative to an unsorted one not using codes.

RE claim 2: official notice is taken with respect to the old and well known practice of referring to parts by part number; a part name; and a part description.

RE claims 3,6, 7: Haung et al. disclose determining an occurrence of a demand for said part (data history 136,130) and the occurrence of purchase activity (col.12 lines 66,67 accessing POS data) and a date upon which said part number was entered into a database (Haung et al. table 1-3 show date created data); assessing currency of said demand (col. 41 lines 55-59 the long term demand is favored over short term) quantifying said demand (table 8 quantifies demand); wherein results of said determining said occurrence. Based upon Underwood it would be obvious to modify Huang et al. to include the steps of assessing said currency, and said quantifying said demand causes said parts database management software application to associate said status code with said part data when a first condition is met (first condition is read as planning decision in Haung et al); and perform additional evaluations of said activity data when a second condition is met given that the Underwood teaches subsequent reconfiguring of the coded data post categorization. The conditions set forth in claim 6 as third and forth, etc. are read as the server manager coordination in Haung et al. The determinations form data entry of obsolete etc. is a mere design criteria set by the user of the data.

Re claim 4: see tables 7,8 e.g. part data.

Re claim 5 col. 19 lines 30 recites "each equipment's activity".

Re claim 8: the demand inquiry in Haung et al. identifies vendors which tells whether said part number is owned by a group of said enterprise. The second half of this claim does not tie any positive elements to effect the desired result.

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Re claim 9: the council is read as supply chain participants.

Re claim 10. The designation of the code to identify one of an active status and an inactive status is deemed an obvious determination for downsizing a database.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to PRIMARY EXAMINER Joseph A. Fischetti at telephone number (703) 305-0731.

